

## **SUPPORTING STATEMENT**

### **Petition by Entrepreneur to Remove Conditions**

**(Form I-829)**

**OMB No. 1615-0045**

**A. Justification.**

1. Section 216A of the Immigration and Nationality Act (Act) requires alien entrepreneurs to petition for the removal of the conditional residence imposed on themselves and their accompanying spouses and children who have been admitted to the United States pursuant to the immigrant investor provisions at section 203(b)(5) of the Act. Form I-829 provides a uniform petition enabling alien entrepreneurs to request the removal of the conditional basis of their lawful permanent resident status as statutorily required within a 90-day period before the second anniversary of their conditional residence. Form I-829 is necessary in order to adequately ensure that an entrepreneur has met the criteria of 8 CFR 216.6.
2. The data collected on this form is used by the U.S. Citizenship and Immigration (USCIS) to determine eligibility for the requested benefit, lawful permanent residence. The form ensures that requests for the benefit are standardized and that basic information required to assess eligibility is provided by all applicants.
3. The use of this form currently provides the most efficient means for collecting and processing the required data. In this case the USCIS does not employ the use of information technology in collecting and processing information. Currently, the USCIS does not have the automated capability in place to accept electronic submission of this application.

USCIS provides this application to the public via the USCIS Internet Web Site. This form is accessible and available for electronic generation only. The evidentiary and supporting documentation that is required for the adjudication of immigration and naturalization benefits does not permit the electronic submission of this public use form. However, USCIS officials are continuing to study the feasibility of the electronic submission of selected benefit applications that have minimal evidentiary and supporting documentary requirements.

4. A review of the USCIS Forms Report revealed no duplication of effort, and there is no other similar information currently available that can be used for this purpose.
5. This collection of information does not have an impact on small businesses or other small entities.
6. If the collection of information is not conducted or is conducted less frequently, the immigration benefit could not be conferred uniformly, with any assurance that the eligibility requirements have been met by the applicant.
7. The special circumstances contained in item 7 of the supporting statement are not applicable to this information collection.
8. The former Immigration and Naturalization Service (INS) published a notice in the Federal Register on April 23, 2002, at 67 FR 19774, soliciting public review and comment for a period of 60 days.
9. The USCIS does not provide payment or gifts to respondents in exchange for a benefit sought.

10. There is no assurance of confidentiality.

11. There are no questions of a sensitive nature.

12. Annual Reporting Burden:

a.	Number of Respondents	200
b.	Number of Responses per each request	1
c.	Total Annual Responses	200
d.	Hours per Response	1.08
e.	Total Annual Reporting Burden	216
f.	Total Public Cost	\$ 94,819

### **Annual Reporting Burden**

**Total annual reporting burden is 216.** This estimate was derived by multiplying the numbers of respondents (200) x frequency of response (1) x 65 minutes per response (1.08). The projected hours per response for this collection of information were derived by breaking the process into three basic components:

Learning about the Law and the Form:	15 minutes
Completing the Form:	15 minutes
Assembling and Filing the Form:	35 minutes
<i>Total Hours per Response:</i>	65 minutes

For the first two components, USCIS used tests to determine completion times. No change in requirements has occurred since the form was last updated. People who were not conversant with immigration processes were used to determine average completion time. The third component of the process, “Assembling and Filing the Form”, was broken down into subtasks. For example, the form can be mailed to an USCIS office or filed in person. Thus, the time necessary to actually file the form can vary widely depending on the circumstances of the applicant.

### **Annual Public Cost**

**The estimated annual public cost is \$ 94,819.** This estimate is based on the number of respondents (200) x 65 minutes (1.08 hours) per response x \$17.68 (average paralegal hourly rate per BLS), plus the number of respondents 200 x \$475 fee charge.

13. There are no capital or start-up costs associated with this information collection. Any cost burdens to respondents as a result of this collection are identified in question 14. *However, there is a fee charge of \$475 associated with this information collection.*

14. Annualized Cost Analysis:

a. Printing Cost	\$ 72
b. Collecting and Processing	\$ 90,928
c. Total Cost to Program	\$ 91,000
d. Fee Charge	\$ 91,000
e. Total Annual Cost to Government	\$ 0

### **Government Cost**

The estimated cost of the program to the Government is calculated by using the estimated number of respondents (200) multiplied by the suggested \$455 fee charge, (which includes the suggested average hourly rate for clerical, officer, and managerial time with benefits). In addition, this figure includes the estimated overhead cost for printing, stocking, distributing and processing of this form.

15. There has been no increase or decrease in the estimated burden hours previously reported for this information collection. However, there has been an increase in the cost burden associated with this information collection due to an increase in the fee charge from \$395 to \$455.
16. The USCIS does not intend to employ the use of statistics or the publication thereof for this collection of information.
17. The USCIS is seeking approval to not display the expiration date for OMB approval of this information collection. The display of the expiration date would require the USCIS to pull and destroy current forms in its inventory that contain outdated expiration dates but could still be used by the USCIS because the information requested on the form is still valid except for the expiration date.
18. The USCIS does not request an exception to the certification of this information collection. See attached Item 19 of Form OMB 83-I.

**B. Collection of Information Employing Statistical Methods.**

Not Applicable.

**C. Certification and Signature.**

### **PAPERWORK CERTIFICATION**

In submitting this request for OMB approval, I certify that the requirements of the Privacy Act and OMB directives have been complied with including paperwork regulations, statistical standards or directives, and any other information policy directives promulgated under 5 CFR 1320.

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Richard A. Sloan

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Date

Director,

Regulations and Forms USCISs Division